

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 28

Introduced by Pahls, 31.

Read first time January 8, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to law enforcement; to amend sections 60-3,135
2 and 60-480.01, Revised Statutes Cumulative Supplement,
3 2008; to authorize the issuance of undercover license
4 plates and undercover driver's licenses to federal
5 law enforcement agencies; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-3,135, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-3,135 (1) (a) Undercover license plates may be issued
4 to federal, state, county, city, or village law enforcement
5 agencies and shall be used only for legitimate criminal
6 investigatory purposes. Undercover license plates may also be
7 issued to the Nebraska State Patrol, the Game and Parks Commission,
8 deputy state sheriffs employed by the Nebraska Brand Committee
9 and State Fire Marshal for state law enforcement purposes,
10 persons employed by the Tax Commissioner for state revenue
11 enforcement purposes, the Department of Health and Human Services
12 for the purposes of communicable disease control, the prevention
13 and control of those communicable diseases which endanger the
14 public health, the enforcement of drug control laws, or other
15 investigation purposes, the Department of Agriculture for special
16 investigative purposes, and the Insurance Fraud Prevention Division
17 of the Department of Insurance for investigative purposes.
18 Undercover license plates shall not be used on personally owned
19 vehicles or for personal use of government-owned vehicles.

20 (b) The director shall prescribe a form for agencies to
21 apply for undercover license plates. The form shall include a space
22 for the name and signature of the contact person for the requesting
23 agency, a statement that the undercover license plates are to be
24 used only for legitimate criminal investigatory purposes, and a
25 statement that undercover license plates are not to be used on

1 personally owned vehicles or for personal use of government-owned
2 vehicles.

3 (2) The agency shall include the name and signature of
4 the contact person for the agency on the form and pay the fee
5 prescribed in section 60-3,102. If the undercover license plates
6 will be used for the investigation of a specific event rather than
7 for ongoing investigations, the agency shall designate on the form
8 an estimate of the length of time the undercover license plates
9 will be needed. The contact person in the agency shall sign the
10 form and verify the information contained in the form.

11 (3) Upon receipt of a completed form, the director shall
12 determine whether the undercover license plates will be used by an
13 approved agency for a legitimate purpose pursuant to subsection (1)
14 of this section. If the director determines that the undercover
15 license plates will be used for such a purpose, he or she may issue
16 the undercover license plates in the form and under the conditions
17 he or she determines to be necessary. The decision of the director
18 regarding issuance of undercover license plates is final.

19 (4) The department shall keep records pertaining to
20 undercover license plates confidential, and such records shall not
21 be subject to public disclosure.

22 (5) The contact person shall return the undercover
23 license plates to the department if:

24 (a) The undercover license plates expire and are not
25 renewed;

1 (b) The purpose for which the undercover license plates
2 were issued has been completed or terminated; or

3 (c) The director requests their return.

4 (6) A state agency, board, or commission that uses
5 motor vehicles from the transportation services bureau of the
6 Department of Administrative Services shall notify the bureau
7 immediately after undercover license plates have been assigned to
8 the motor vehicle and shall provide the equipment and license plate
9 number and the undercover license plate number to the bureau. The
10 transportation services bureau shall maintain a list of state-owned
11 motor vehicles which have been assigned undercover license plates.
12 The list shall be confidential and not be subject to public
13 disclosure.

14 (7) The contact person shall be held accountable to keep
15 proper records of the number of undercover plates possessed by
16 the agency, the particular license plate numbers for each motor
17 vehicle, and the person who is assigned to the motor vehicle.
18 This record shall be confidential and not be subject to public
19 disclosure.

20 Sec. 2. Section 60-480.01, Revised Statutes Cumulative
21 Supplement, 2008, is amended to read:

22 60-480.01 (1) (a) Undercover drivers' licenses may
23 be issued to federal, state, county, city, or village law
24 enforcement agencies and shall be used only for legitimate criminal
25 investigatory purposes. Undercover drivers' licenses may also be

1 issued to the Nebraska State Patrol, the Game and Parks Commission,
2 deputy state sheriffs employed by the Nebraska Brand Committee
3 and State Fire Marshal for state law enforcement purposes,
4 persons employed by the Tax Commissioner for state revenue
5 enforcement purposes, the Department of Health and Human Services
6 for the purposes of communicable disease control, the prevention
7 and control of those communicable diseases which endanger the
8 public health, the enforcement of drug control laws, or other
9 investigation purposes, and the Department of Agriculture for
10 special investigative purposes. Undercover drivers' licenses are
11 not for personal use.

12 (b) The director shall prescribe a form for agencies
13 to apply for undercover drivers' licenses. The form shall include
14 a space for the name and signature of the contact person for
15 the requesting agency, a statement that the undercover drivers'
16 licenses are to be used only for legitimate criminal investigatory
17 purposes, and a statement that undercover drivers' licenses are not
18 for personal use.

19 (2) The agency shall include the name and signature of
20 the contact person for the agency on the form and pay the fees
21 prescribed in section 60-4,115. If the undercover drivers' licenses
22 will be used for the investigation of a specific event rather than
23 for ongoing investigations, the agency shall designate on the form
24 an estimate of the length of time the undercover drivers' licenses
25 will be needed. The contact person in the agency shall sign the

1 form and verify the information contained in the form.

2 (3) Upon receipt of a completed form, the director shall
3 determine whether the undercover drivers' licenses will be used by
4 an approved agency for a legitimate purpose pursuant to subsection
5 (1) of this section. If the director determines that the undercover
6 drivers' licenses will be used for such a purpose, he or she may
7 issue the undercover drivers' licenses in the form and under the
8 conditions he or she determines to be necessary. The decision of
9 the director regarding issuance of undercover drivers' licenses is
10 final.

11 (4) The Department of Motor Vehicles shall keep records
12 pertaining to undercover drivers' licenses confidential, and such
13 records shall not be subject to public disclosure. Any person who
14 receives information pertaining to undercover drivers' licenses in
15 the course of his or her employment and who discloses any such
16 information to any unauthorized individual shall be guilty of a
17 Class III misdemeanor.

18 (5) The contact person shall return the undercover
19 drivers' licenses to the Department of Motor Vehicles if:

20 (a) The undercover drivers' licenses expire and are not
21 renewed;

22 (b) The purpose for which the undercover drivers'
23 licenses were issued has been completed or terminated;

24 (c) The persons for whom the undercover drivers' licenses
25 were issued cease to be employees of the agency; or

1 (d) The director requests their return.
2 Sec. 3. Original sections 60-3,135 and 60-480.01, Revised
3 Statutes Cumulative Supplement, 2008, are repealed.